



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 4864-97
7 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered an advisory opinion provided by a designee of the Specialty Advisor for Psychiatry dated 8 December 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

**NAVAL MEDICAL CENTER
PORTSMOUTH, VIRGINIA
DEPARTMENT OF PSYCHIATRY
620 JOHN PAUL JONES CIRCLE
PORTSMOUTH, VIRGINIA 23708**

DATE: 8DEC99

From: Case Reviewers
To: Chairman, Board for Correction of Naval Records, Department of the Navy, Washington, DC
20370-5100

Subj: APPLICATION FOR CORRECTION OF NAVAL RECORDS IN THE CASE OF FORMER [REDACTED]

Ref: (a) Your ltr dtd 29 SEP 99, #10 U.S.C. 1552

Encl: (1) BCNR File
(2) Service Record
(3) Medical Record
(4) VA Records/Medical Records

1. Pursuant to reference (a) a review of enclosures (1) through (4) was conducted to form opinions about subject petitioner's claim that he was unfit for duty because of post traumatic stress disorder when discharged from the Navy in 1973, and should have been retired by reason of physical disability because of that condition.

2. **Facts of the case:**

a. [REDACTED] joined the USN in 1971 after dropping out of high school. He reported a long history of conduct problems prior to his enlistment which included several expulsions from school and frequent and frequent fighting.

b. Subject reported that while serving in Vietnam, he was assigned to retrieve the bodies of killed American and Vietnamese soldiers during his enlistment from May 1971 to May 1973. He also reported several of his closest friends were killed during a small explosion aboard the USS Newport News.

c. Medical records from the USS Newport News from August 1971 to May 1973 show entries for upper respiratory infections, urethral discharge, flu symptoms and a finger laceration, but no mention of any psychological complaints.

d. [REDACTED] was evaluated by [REDACTED] and admitted to Naval Hospital, Portsmouth, Virginia on 4MAY73 for a 2-3 month history of "impulsive urges toward destructive behavior."

e. Subject's destructive behavior included dropping a wrench four decks in an attempt to hit an officer in the head, cutting off the electrical circuits in the gun turret during exercises and destroying property.

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[REDACTED]

f. [REDACTED] was evaluated in 1973 by a social worker during his stay at Naval hospital Portsmouth, who reported that the patient complained of "nervousness in that he is tense and anxious around people."

g. Psychological testing performed during his hospitalization at Naval Hospital Portsmouth showed an MMPI profile of 8-4-7-2-9-6-3, Verbal IQ of 103, Performance IQ of 107, Full IQ Scale of 105. He also underwent a Draw-a-Person test and a Rorschach Test. Psychological testing revealed no evidence of mood or psychotic disorder. The final diagnosis was antisocial personality disorder.

h. [REDACTED] was diagnosed with "Emotionally Unstable Personality, E.P.T.E., moderately severe, manifested by impulsivity, heavy alcohol intake, limited ability to tolerate frustration and to delay gratification, resentment towards authority figures, prior history of poor school adjustment and disturbed relationships with his father, plus minor acts of vandalism during the 3 months prior to admission" and was recommended for an administrative separation from the US Navy for his longstanding pre-existing Passive Aggressive Personality Disorder..

i. [REDACTED] was hospitalized in 1975 at the Tuskegee VAMC and discharged with a diagnosis of Depressive Neurosis and later readmitted to the hospital. While hospitalized he was diagnosed with Bipolar Depression.

j. [REDACTED] received no documented psychiatric treatment between 1975-1985.

k. Since 1973, [REDACTED] has had at least 51 different jobs. Records report several arrests since his discharge from the military. His medical records indicate he has a long history of aggression and violence that predates his enlistment period. The record also reported several physical assaults that resulted in hospitalization for the other person.

l. The subject was initially diagnosed with PTSD May 1987 at the VAMC in Augusta, Georgia.

m. The subject received an initial disability rating of 30% for PTSD.

n. Records indicate several hospitalizations for symptoms of PTSD at different Veterans' Administration Medical Centers.

o. In 1997, during one of his hospitalizations, [REDACTED] was diagnosed with alcohol and Marijuana dependence. The records document several admission to the hospital for substance rehabilitation.

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3. The following opinions are submitted:

- a. No documentation supports the diagnosis of PTSD during the subject's period of enlistment.
- b. The medical records from the USS Newport News contain no mention of any symptoms that would indicate that the patient was suffering from an acute stress reaction or PTSD.
- c. During his psychiatric evaluation and hospitalization at Naval Hospital Portsmouth no symptoms of acute stress reaction, PTSD, major mood or psychotic disorder were documented.
- d. Psychological testing done at the time of his military hospitalization supports the diagnosis of a personality disorder. His MMPI profile is consistent with antisocial personality disorder even though there is no mention of the validity scale in the report. His IQ was in the normal range and the difference between verbal and performance IQs is not significant (not greater than 12). The Rorschach interpretation is missing from his medical records but a later report indicates that the results of the projective testing showed no major evidence of a psychiatric disorder.
- e. SN Phillips separation physical is missing from the records. The separation physical could have provided additional evidence in this case since the subject is asked several questions directly pertaining to PTSD symptoms.

4. Recommendations:

- a. While [REDACTED] recent history is consistent with the diagnosis of PTSD, this did not begin to manifest until well after the subject was separated from the military. His presentation is consistent with PTSD- Chronic – With Delayed Onset.
- b. His diagnosis of personality disorder is well documented and supported in the records and was present at the time of his discharge from naval service.
- c. It is our recommendation that the status of the Subject not be changed to unfit for service due to a medical condition.

5. This case was reviewed by [REDACTED] R, under the supervision of [REDACTED] and [REDACTED], MC, USN.

[REDACTED]
LT MC USNR

[REDACTED]
LCDR MC USN

[REDACTED]
LCDR MC USN